



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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MINUTES STATE BUILDING CODE COUNCIL

Date: January 11, 2002

Location: Senate Hearing Room 3, Olympia, WA

Council Members Present: Jim Lewis, Chair; Stan Price, Vice Chair; Sue Alden; Rory Calhoun; Chris Endresen; Rick Ford; John Fulginiti; Bill Misocky; Steve Nuttall; Terry Poe; Dave Saunders; Dale Shafer; Ron Fuller (ex officio)

Council Members Absent: Dave Baker

Visitors Present: Bob Eugene, Jon Julnes, John Darnall, M. K. Martin, John McDonald, Dave Cantrell, John Cochran, Jon Siu, Kraig Stevenson, Maureen Traxler, Elizabeth Foster, Melissa Gannie, Larry Stevens, Paul O'Connor, Jerry Farley, Ray Bizal

Staff Present: Tim Nogler, Al Rhoades, Krista Braaksma, Patti Thorn, Sue Mathers

CALL TO ORDER

Jim Lewis, Council Chair, called the meeting to order at 1:31 p.m. He welcomed everyone to the meeting. Introductions were made.

REVIEW AND APPROVE AGENDA

The agenda for today's meeting was reviewed. Tim Nogler recommended postponing the election of officers and committee assignments until the March 8, 2002 meeting, since the Governor hasn't yet named Council appointments for open positions. With that postponement, the agenda was approved.

REVIEW AND APPROVE COUNCIL MINUTES

The minutes of the November 9, 2001 Council meeting were reviewed. Sue Alden added John Cochran to the list of Visitors Present. With that addition, the minutes were approved.

PUBLIC COMMENT ON ITEMS NOT COVERED BY THE AGENDA

John Julnes, Tilco Vanguard/Vanguard ADA Systems of America, discussed detectable warnings and truncated domes. He said installing anything less than truncated domes where detectable warnings are required is illegal, cruel and discriminatory. Detectable warnings are now by federal definition truncated domes. Since many other states are now studying ways of providing additional directional cues for blind and visually impaired crosswalkers, John wonders why Washington State is not enforcing current federal law. He said federal rules requiring truncated domes, defined by ADAAG, the Federal Access Board and the Federal Justice Department, have been clearly and decisively codified. John referred to prior communication with Al Rhoades in which Al told him 18-19 alternate surfaces for detectable warnings are available to Washington State building officials. John said the manufacturers of all those products offer truncated domes, and no other surface texture is deemed equivalent to truncated domes by the federal government. He requested that notice be sent to all building officials in Washington State that they need to enforce the requirement for truncated domes. The approved sizing for truncated domes by DOJ is 2.35 inches on center and .9 inches across.

Jim asked if it's appropriate for the Council to request such action of building officials. Tim said the truncated dome issue was a rule change last session. He directed the Council to a staff report considered by the Building, Fire and Plumbing Codes Committee this morning. The question is whether that report is an appropriate response in light of John Julnes' remarks. John Julnes said Al reported to the BFPC Committee that no Council action is required on this issue and no clarification of the code is needed. John believes a Council document sent to local jurisdictions telling them to wait until federal action, which has now happened, needs to be counteracted.

Jim asked Dave Saunders, Chair of the Building, Fire and Plumbing Codes Committee, to discuss the issue under Committee Reports.

COMMITTEE REPORTS

Building, Fire and Plumbing Codes Committee

Dave said the federal rule suspension for detectable warnings has expired. The Committee referred the issue to the Council. It felt Al's report was satisfactory. Sue added the original reason ADAAG set aside the requirement for truncated domes was because it was difficult for handicapped people in wheelchairs to traverse through them. She said alternatives to truncated domes are working. She believes Al's report is correct, and the Council amendment to the code should remain. Rory Calhoun said a second letter to local jurisdictions advising them that the suspension has been lifted and enforcement is now in effect should perhaps be sent. While he as a wheelchair user doesn't personally like truncated domes, he said they are federally required and should be enforced. Rory added that if alternate products meet minimum equivalency requirements, they should be allowed in place of truncated domes. Discussing the most current information, Al noted an ADAAG proposed requirement for detectable warnings for transportation stations where the edge of the platform has an unprotected drop-off. Truncated domes were one of three ways of dealing with this problem. He said the new ADAAG may not even contain detectable warnings because of widespread diversity about the issue.

Sue suggested the Council accept the staff report as it currently exists. If John Julnes wishes to change the code, it should be accomplished through the regular code amendment process. Dave said that was the recommendation of the Combined Codes Committee this morning.

Motion #1:

Sue Alden moved the Council accept the staff report as submitted. Dave Saunders seconded the motion. The motion was unanimously adopted.

Dave said the Committee also discussed an interpretation request from the City of Seattle. That interpretation was postponed until the March meeting. In addition the Committee requested a staff report on Energy Code interpretations, identifying current and superseded interpretations, for the March meeting.

Tim added that rulemaking has begun on the adult family home issue. It was decided to postpone further action until after the 2002 legislative session.

Legislative Committee

Chris Endresen, Chair of the Legislative Committee, said the Committee considered three bills. The first, HB 1612, is a holdover from the 2001 session, and it was endorsed by the Council last session. It adds the State Fire Marshal to Council membership. Discussion centered around continued support and whether the Fire Marshal should be a voting or an ex officio member. The Legislative Committee recommends the Council endorse the bill as it currently exists, with the State Fire Marshal as an ex officio, nonvoting Council member because total votes by Council members would then be odd rather than even.

Motion #2:

Dave Saunders moved the Council endorse HB 1612 as currently written, with the State Fire Marshal as an ex officio Council member. Sue Alden seconded the motion. The motion was unanimously adopted.

Chris said the second bill before the Legislative Committee was HB 1555, listing the new codes in statute. Also discussed was a proposed substitute bill, that would remove the International Residential Code (IRC) from the body of the bill but reference it in a new intent section. Scott Merriman spoke in favor of the substitute, saying it would aid in resolving code conflicts and establishing precedence. However the Legislative Committee recommends not proposing a substitute bill, but endorsing HB 1555 as it currently exists. It believes the resolution of conflicts is presently, clearly stated in statute. Sue added the Governor requested the Council not to amend HB 1555. Tim clarified the Governor's direction was to simply inform them of any changes. Stan Price asked for more information about the Committee's discussion of code conflict resolution, given the fact the IRC is listed first in Sections 2, 3 and 4. Sue said precedence is in statute now. Chris said the Committee agreed. Chairman Lewis asked Dave and Bill to inform Stan of Legislative Committee discussions about both sides of the precedence issue.

Motion #3:

Sue Alden moved the Council support HB 1555 and its companion bill, not taking a position on any amendments at this time. Dave Saunders seconded the motion. The motion was adopted, 10 aye, 1 nay and 1 abstention.

Chris said the last bill discussed by the Legislative Committee was HB 1363, increasing the fee to \$6.00 but not changing the process whereby it's instituted. The Committee recommends the Council adopt that version, since it's the most realistic and has the best chance of passing the Legislature.

Motion #4:

Dave Saunders moved the Council support HB 1363. Sue Alden seconded the motion. The motion was unanimously adopted.

Also discussed were upcoming legislative hearings. Dave, Bill Misocky, Rick Ford and Sue volunteered to help with hearings. Tim will coordinate testimony/help. In conclusion Chris said the Legislative Committee discussed its authority to represent the Council during legislative sessions. Jim explained that previous Councils have given the Legislative Committee authority to take action on its behalf during sessions due to time constraints. He reminded members that attendance at Legislative Committee meetings is open to everyone; almost all Council members now serve on the Legislative Committee. He asked that the practice be continued during this session, assuring Council members that they will be informed of all actions. Tim added that actions taken are normally monitoring bills, taking a pro or con position on the bills, testimony, etc.

Motion #5:

Sue Alden moved the Council give the Legislative Committee the authority to respond to bills on its behalf as the Committee deems appropriate, except when the legislation is potentially controversial, in which case the Council will first be advised. Dave Saunders seconded the motion.

Dave pointed out the definition of “controversial” is determined by the Legislative Committee. Jim again pointed out that Committee membership is open and presently includes almost all Council members. He emphasized that quick reaction is mandatory during sessions. Dale Shafer asked about the communication process, how non-Legislative Committee members will be kept informed. Jim asked that E-mails and FAXes be continued, and agendas be sent to everyone. He said the respective industry representatives following legislative action should also inform Council members. Tim said all Legislative Committee material is sent out Thursdays at 10 a.m. because conference calls are held each Thursday afternoon during session at 1 p.m. Jim noted that E-mail is better than FAX for him. Tim added that any Council member not on the Legislative Committee can be patched into conference calls.

The question on Motion #5 was called for. The motion was unanimously adopted.

Jim asked everyone to confirm that their E-mail address is correct. To aid Council staff, he prefers FAX or E-mail, one or the other, but not both.

Tim added there's one additional legislative meeting next week before the House Financial Institutions and Insurance Committee. A work session will be held at 1:30 p.m. on Wednesday to discuss building contractor liability and the insurance industry's role in mold in buildings. At this time there is not a bill on this issue.

STAFF REPORT

Tim said Judy Darst's position is currently open and will not be filled until funding is more definite. Therefore work assignments have been redistributed as follows:

Al is the lead on the Building Code, including barrier-free, as well as the Fire and Mechanical Codes. He will work with Krista on the Ventilation Code. Krista is lead staff for the Energy and Plumbing Codes, as well as backup for Barrier-Free. Tim said these assignments will be re-examined when TAGs again become active and session concludes.

Jim expressed concern that Council bills may get lost in the avalanche of budget-cutting measures before the Legislature. He said it's important to make legislators aware of two budget scenarios, with and without the fee bill. Tim noted Scott Merriman suggested including that in testimony on the fee bill. Jim said the Legislature should know that the fee bill provides for Council no-growth, maintenance.

Tim noted an unusual receipt of money in November from the City of Seattle. It was \$75,000, about four times the normal amount. Council staff has been working with OFM and the Treasurer's Office to ensure no mistakes are involved with this payment.

Appointments have not yet been determined by the Governor. Hopefully they'll be known at the March meeting. Tim said open positions are those now held by Sue Alden, Jim Lewis, Dale Shafer, Bill Misocky and Rick Ford. All of those members continue to serve until their replacements are named. In addition two Association of Washington Cities' positions are currently vacant, given Bill Edwardson's and Terry Brazil's unsuccessful reelection bids. Various candidates have expressed interest in those positions.

Lacking further business, the meeting was adjourned at 2:27 p.m.